

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the capsules failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury on October 20, 1952. The trial was concluded on October 21, 1952, with the return by the jury of a verdict of guilty. On October 29, 1952, the court imposed a fine of \$500, a sentence of six months in jail, which was suspended, and placed the defendant on probation for five years.

3845. Misbranding of amphetamine sulfate tablets and capsules of Seconal Sodium and Amytal Sodium. U. S. v. Neal A. Brady (Brady Drugs). Plea of nolo contendere. Fine of \$600, plus costs. (F. D. C. No. 32726. Sample Nos. 18811-L, 18813-L, 18816-L, 18819-L.)

INFORMATION FILED: September 16, 1952, Southern District of Iowa, against Neal A. Brady, trading as Brady Drugs, Des Moines, Iowa.

ALLEGED VIOLATION: On or about October 28 and November 4 and 12, 1951, while a number of *amphetamine sulfate tablets* and capsules of *Seconal Sodium* and *Amytal Sodium* were being held for sale at Brady Drugs after shipment in interstate commerce, the defendant caused various quantities of the capsules and tablets to be repackaged and dispensed without a physician's prescription, which acts resulted in the capsules and tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged drugs, with the exception of one lot of the capsules, failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged capsules contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportions of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the label of the repackaged tablets failed to bear the common or usual name of each active ingredient of the drug.

DISPOSITION: January 27, 1953. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$600, plus costs.

3846. Misbranding of Benzedrine Sulfate tablets, Seconal Sodium capsules, and Savatan capsules. U. S. v. Warren Pizinger and Henry Fiegenbaum. Pleas of nolo contendere. Fine of \$1,000, plus costs, against Defendant Pizinger and \$250 against Defendant Fiegenbaum; each defendant also placed on probation for 3 years. (F. D. C. No. 31253. Sample Nos. 55968-K, 55969-K, 70189-K.)

INFORMATION FILED: November 28, 1951, District of Nebraska, against Warren Pizinger, manager of the City Drug Store, 4502 South 24th St., Omaha, Nebr., and Henry Fiegenbaum, a pharmacist in the store.

ALLEGED VIOLATION: On or about July 19, 24, and 25, 1950, while quantities of *Benzedrine Sulfate tablets*, *Seconal Sodium capsules*, and *Savatan capsules* were being held for sale at the above-mentioned drug store after shipment in interstate commerce, Warren Pizinger caused one box of *Savatan capsules* to be sold and disposed of in the original box in which such capsules had been shipped in interstate commerce, without the prescription of a physician; and Henry Fiegenbaum repacked and dispensed a number of *Benzedrine Sulfate tablets* and Warren Pizinger repacked and dispensed a number of *Seconal Sodium capsules* without prescriptions of physicians, which acts of the defendants resulted in the drugs being misbranded.

NATURE OF CHARGE: *Savatan capsules*. Misbranding, Section 502 (f) (1), the labeling of the capsules bore no directions for use. (The box in which the capsules were shipped in interstate commerce bore no directions for use since it was exempt from such requirements by the statement on the label "Caution: To be dispensed only by or on the prescription of a physician." The act of Warren Pizinger in dispensing the drug without a physician's prescription, however, caused the exemption to expire.)

Benzedrine Sulfate tablets and *Seconal Sodium capsules*. Misbranding, Sections 502 (b) (1) and (2); the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use. Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: A motion for a bill of particulars was filed on behalf of the defendants and was allowed by the court with respect to the request that the Government furnish particulars as to the manner in which the defendants had caused the drugs to be repacked and dispensed. In accordance with such ruling, the Government filed a bill of particulars on April 23, 1952. Thereafter, a motion for dismissal of the information was filed on behalf of the defendants, and was overruled by the court on May 29, 1952. The defendants subsequently entered pleas of nolo contendere, and on October 30, 1952, the court imposed a fine of \$1,000, plus costs, against Defendant Pizinger and \$250 against Defendant Fiegenbaum and placed each defendant on probation for 3 years.

3847. Alleged misbranding of Seconal Sodium capsules and pentobarbital sodium capsules. U. S. v. Wells B. Kilgore (Kilgore's Pharmacy), and Weldon R. Rehburg. Pleas of not guilty. Motion granted for dismissal of the information and defendants discharged as not guilty. (F. D. C. No. 31274. Sample Nos. 93082-K, 93087-K, 93091-K, 93097-K, 93201-K, 93208-K, 93213-K, 93217-K, 93225-K, 93226-K, 93228-K.)

INFORMATION FILED: January 8, 1952, Southern District of Florida, against Wells B. Kilgore, trading as Kilgore's Pharmacy, St. Petersburg, Fla., and Weldon R. Rehburg, a pharmacist employed by Mr. Kilgore.

ALLEGED VIOLATION: Between the approximate dates of October 24 and December 18, 1950, while a number of *Seconal Sodium capsules* and *pentobarbital sodium capsules* were being held for sale at Kilgore's Pharmacy after shipment in interstate commerce, various quantities of the drugs were